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Advocacy coalitions and flood insurance: power and policies in the Australian Natural Disaster Insurance Review

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Abstract

Insurance against flooding creates households and places that are protected against financial harm in the form of catastrophic losses. Contested here are questions surrounding the availability and affordability of private insurance cover, significantly affecting the lives of people in at-risk geographies by imposing costs either as insurance premiums or episodic flood damages. Policy choices and decisions ('political/economic') about such controversial place-based environmental/risk issues ('spatial') are often made "behind closed doors". A public inquiry opens those doors, albeit briefly, so we can see "what goes on". The Natural Disaster Insurance Review (NDIR), a public inquiry after the 2010/2011 Australian floods, was a major forum of debate about Australian flood insurance policy. We explore the intricate politics of the key advocacy coalitions involved, to understand NDIR's role and outcomes. Our case study methodology uses content analysis of c. 100 NDIR submissions and reports, media coverage, and insurance industry and government statements, supported by in-depth interviews with people directly involved. We show that a well-resourced and powerful coalition of insurers was the dominant advocacy coalition in the NDIR and that consumers and their at-risk communities were represented by a relatively under-resourced coalition. The primary role of the inquiry as a problem-solving process was ultimately overridden during the post-inquiry implementation phase, during which the insurance coalition was dominant. Major NDIR recommendations were not implemented, and hence key spatial/political issues that the inquiry was established to address for the benefit of those at risk remained unresolved.

Keywords: Floods; insurance; public inquiry; Advocacy coalitions; spatial politics

Introduction

Flood insurance is an important instrument in flood risk management, as a means of risk transfer to spread the cost of irregular and episodic flood losses over space and time. Yet, as in other countries, the form that the Australian flood insurance system should assume is debated. Following the 2010/2011 floods in eastern Australia, several inquiries were established, including the Natural Disaster Insurance Review (NDIR), which led to recommendations for flood insurance policy changes in Australia.

The aim of this paper is, first, to address the question of who were the dominant advocacy coalitions in the NDIR, and second, to use this understanding to analyse the role of the inquiry in the Australian flood insurance policy landscape in its

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international context. We use here an Advocacy Coalition Framework (ACF) approach as the theoretical lens through which to examine the nature, strength and impact of inputs from coalitions of participants in the NDIR process. We use the ACF because it requires us to examine the core beliefs of actors, which in turn can reveal fundamental insurer-consumer-government political relations and hence important human-spatial risk related values and interactions.

But first we give an overview below of Australian flood insurance policy, some background on the role of public inquiries generally and the ideas behind the ACF. We then provide an outline of our research methodology, discuss our research results, and draw conclusions on the influence of the NDIR inquiry process and its spatial politics on those at risk of flooding.

Australian flood insurance policy

There are numerous challenges in insuring against floods, as core insurability criteria (i.e. sufficient information; independent and fortuitous losses; sufficient demand; and acceptable premiums) are often not met (Arnell, 2000). Historically, flood insurance has not been widely available in Australia (Handmer, 2008; Mason, 2011), partly due to issues with insurability (Lamond and Penning-Rowse, 2014). However, in the years leading up to the 2010/2011 floods, progress by individual insurance companies resulted in some increased availability (Mason, 2011). Yet, flood insurance penetration (i.e. aggregate take-up) at the time of these floods was still relatively low. The floods highlighted a large protection gap, with many individuals only having partial flood cover (Swiss Re, 2017).

In Australia, as elsewhere, flood insurance is one component of a broader suite of flood risk management strategies. Flood risk management involves multiple public and private actors operating at different scales and at different stages of the risk management cycle (mitigation/prevention, preparation, response and recovery).

Current Australian flood risk management is guided by the National Strategy for Disaster Resilience (2011), which outlines a resilience-based approach based on the principles of shared responsibility across spatial scales and political entities. In terms of government involvement, risk mitigation planning is spatially differentiated with the main responsibility resting with the State and Territory governments but with mitigation plans implemented by local councils and floodplain management authorities. Key government agencies involved in the preparation and response phases of the flood risk management cycle include the State and Territory Emergency Services, and the national Bureau of Meteorology, which provides flood warning services. Government funding in the aftermath of a flood event is guided by the Natural Disaster Relief and Recovery Arrangements Determination, which prescribes the Federal Government (i.e. Commonwealth) financial support that can be provided to State Governments and affected communities. In addition to these government actors, individuals and communities have responsibilities. As outlined in the National Strategy for Disaster Resilience (CoAG, 2011), purchasing insurance is one of the main risk management options available to individuals.

With flood risk management operating at these multiple spatial scales, Australian flood insurance policy discussions inherently involve the politics of space. Power struggles exist within these spatial politics, with different governments drawing power from their different responsibilities (see also Self and Penning-Rowse, 2018). Whilst general insurance regulation is the responsibility of the Commonwealth Government, State and Territory Governments have responsibility for

flood preparedness and response within their jurisdictions, and local governments have responsibility for development and community infrastructure planning thus affecting risk levels 'on the ground'.

Internationally, there are several approaches to flood insurance, which differ in terms of the primary provider (public or private), and whether or not flood insurance is included as part of standard cover. In Australia, flood insurance is provided via the private market, and cover is either bundled with other perils or offered as an add-on (Penning-Rowsell and Priest, 2015). The scheme design has important implications in terms of the scheme's robustness to uncertainty, claims clustering, and rising losses, and its role in incentivising flood risk mitigation (Lamond and Penning-Rowsell, 2014). The transparency of flood premiums in add-on schemes can incentivise risk mitigation, while bundling may promote higher penetration, impacting the extent of take-up (Lamond and Penning-Rowsell, 2014).

The market-based Australian scheme, in which the availability of flood cover is not mandated by government and in which most insurance policies are renewed annually, creates an environment in which insurers may withdraw cover swiftly if profitability is threatened (Lamond and Penning-Rowsell, 2014). This provides a potential source of power for insurers in their relationships with government, since governments are concerned that such a withdrawal could increase the government's flood recovery burden (Penning-Rowsell and Priest, 2015). **Australian** regions with highest flood exposures, such as parts of Queensland (ICA, 2019), may be more strongly affected by such power tensions, and as such, the political landscape varies spatially, at least partly in accordance with geographical variations in flood risk. In contrast to other countries, such as the United States, where insurance is influenced by a history of States-based insurance markets rather than a national one (Swiss Re, 2013), in Australia the insurance industry is dominated by companies operating nationally rather than only in an individual State. As such, they are large, and have a strong interest in policy discussions and decisions at nationwide spatial scales.

There is a recurring cycle of flood insurance policy debate in Australia, with increased attention following severe flood events, such as the 1875 Maitland, 1974 Brisbane, and 1998 Wollongong floods (Box et al., 2013). Recurring concerns include availability, affordability, and clarity of flood insurance policies (Mason, 2011). However, despite periodic cycles of attention, there was no substantial change in flood insurance policy prior to 2011 (Mason, 2011). Indeed, the Australian experience was similar to that of the UK, where, prior to the recent establishment of Flood Re, flood insurance policy was quite stable, despite numerous windows of opportunity for change created by flood events (Penning-Rowsell et al., 2014). In the wake of the 2010/2011 Australian floods, issues of consumer confusion and flood insurance availability and affordability resurfaced (Bell, 2011, 2012), and were a major focus of the NDIR.

The role of public inquiries

Public inquiries have a long history of use in Australia (Prasser, 2016), but their utility is disputed. Banks (2007) argues that they provide a thorough information platform for policymakers, resulting in better policies. In contrast, Eburn and Dovers (2015) argue that despite more than 50 post-disaster inquiries having occurred in Australia over the past 75 years they have not led to useful learning.

Several reasons for establishing public inquiries have been suggested. Gilligan (2002) separates pragmatic functions (collecting information and making

recommendations) from political functions. These political functions may be to postpone or avoid decision-making about contentious issues; to provide symbolic action; to legitimise predetermined government policy; and to pacify interest groups (Gilligan, 2002; Prasser, 2016; Rowe and McAllister, 2006). In our research we primarily used and report here on Hunter and Boswell's (2015) three main public inquiry functions:

- (i) problem-solving (providing expert policy advice);
- (ii) substantiating (providing evidence for extant preferred policy decisions); and
- (iii) legitimising (signalling that the government is taking an issue seriously).

Importantly, these can come with different spatial and political implications, and therefore potentially different meanings in our case for those exposed to flooding, many of whom were uninsured. The first suggests a determination to consider moving away from the status quo by investigating potential new policy positions. The second can mean either that or a resistance to change, depending on what policy decisions have been made prior to an inquiry and reflected in its terms of reference. The third generally is more to do with maintaining the status quo.

Despite these multiple theories about the functions of public inquiries, the process of identifying governments' motivations for an inquiry is not straightforward, particularly since the reasons publicly stated by governments may not reflect true motivations (Prasser, 2016). However, a number of indicators has been identified to assist in the analysis of the role of public inquiries, including panel membership, resources, timeframe, terms of reference, dissemination, and government take-up (Hunter and Boswell, 2015).

In this paper, we consider these motivating factors in the two periods of government involvement in the NDIR: (i) the inquiry's establishment, during which the panel membership, resources, timeframe and terms of reference were determined; and (ii) the post-inquiry period, including the dissemination of the NDIR report and the take-up of inquiry recommendations. By separating Hunter and Boswell's (2015) factors into those two phases we distinguish between the government's initial intentions regarding the role of the NDIR and the inquiry's ultimate function.

We explore this also within the context of the relevant politics of space (Penning-Rowsell and Johnson, 2015). These we see in terms of the struggles between scales (e.g. between consumers/communities, the Australian States and **its** national bodies) related to the differential power and influence at these scales, rather than simply the political processes occurring at those different scales. We reflect on how the politics of space contributed to, or impeded, the achievement of the intended role of the NDIR.

The Advocacy Coalition Framework (ACF)

A key theoretical framework in the study of policy processes is the ACF (Sabatier, 1988). We use this framework to analyse the NDIR because public inquiries are a classic case of where groups of coordinated actors with certain common beliefs (i.e. coalitions) engage in policy debates with the aim of influencing the policy

outcomes of the inquiry process, and because the influence of such coalitions on the NDIR outcomes appears to have been crucial.

As described by Sabatier (1998), the policy subsystem is the primary unit of analysis in the ACF (Figure 1). A policy subsystem is composed of interacting actors from multiple institutions interested in influencing a policy area (Sabatier, 1988), which is typically defined by both a functional dimension (in this case, flood insurance policy) and a territorial one (in this case, Australia) (Zafonte and Sabatier, 1998). Advocacy coalitions are a key component of the subsystem, consisting of actors “who share a particular belief system — i.e. a set of basic values, causal assumptions, and problem perceptions — and who show a non-trivial degree of coordinated activity over time” (Sabatier, 1988: 139).

Shared beliefs operate at two levels, with policy core beliefs conceptualised as the application of deep core beliefs to a particular subsystem. Actors also have secondary beliefs, which relate to a subcomponent of the policy subsystem and are less resistant to change. Policy subsystems are situated within a broader context, which includes relatively stable sociocultural parameters, as well as more dynamic external subsystem events (such as floods), both of which influence subsystem affairs. Public policies are translations of belief systems, and advocacy coalitions seek to influence policymakers such that policies reflect their beliefs. The capacity of coalitions to influence the policy subsystem is shaped by their power resources, including financial resources, information, leadership, mobilisable supporters, and their legal authority to make policy decisions (Sabatier and Weible, 2007).

According to Stark (2015), public inquiry research has a tendency to neglect the analysis of actors involved in an inquiry beyond the central bureaucracy and the inquiry panel; advocacy coalitions are overlooked. He proposes the application of the ACF to inquiry analysis, and hypothesises, “inquiries can be influenced by the core beliefs of advocacy coalitions” (p. 15). Although Weaver-Hightower (2014) and Inwood and Johns (2016) discuss various actors in their analyses of public inquiries, in neither of these papers are the actors analysed as advocacy coalitions, and the phase of inquiry recommendation implementation is not considered. Instead, this latter gap is identified as an avenue for further research (Inwood and Johns, 2016).

The gap in the public inquiry literature pertaining to a lack of analysis of advocacy coalitions is aligned with a gap in the ACF literature, with Jenkins-Smith et al. (2014: 206) identifying analysis of “venues and forums within policy subsystems” as an avenue for further research; ours, in response, involves one such venue, viz. the public inquiry. Stark (2018) has recently developed the application of the ACF framework to the study of public inquiry processes but previously few AFC empirical studies have had this focus. Dudley and Richardson (1996) discuss how a series of highway public inquiries in the 1970s became “the cockpit” where two adversarial advocacy coalitions fought. Kübler (2001) applied the ACF to Swiss drugs policy, showing how, through demonstrating support in public inquiry procedures, alliances formed between coalitions. The ACF has previously been applied to some policy studies in flood risk management (e.g. Meijerink, 2005; Knight, 2019) but, to our knowledge, this is the first time that it has been used to study flood insurance.

In this paper, we consider the influence of advocacy coalitions throughout the NDIR process, including the recommendation take-up phase, and utilise this understanding to analyse the function of the NDIR and the effect of its policy processes generally. We explore how analysis of advocacy coalitions may facilitate a better understanding of how individuals and organisations influence public inquiry

outcomes, and the ultimate role of this public inquiry in the landscape of flood risk management.

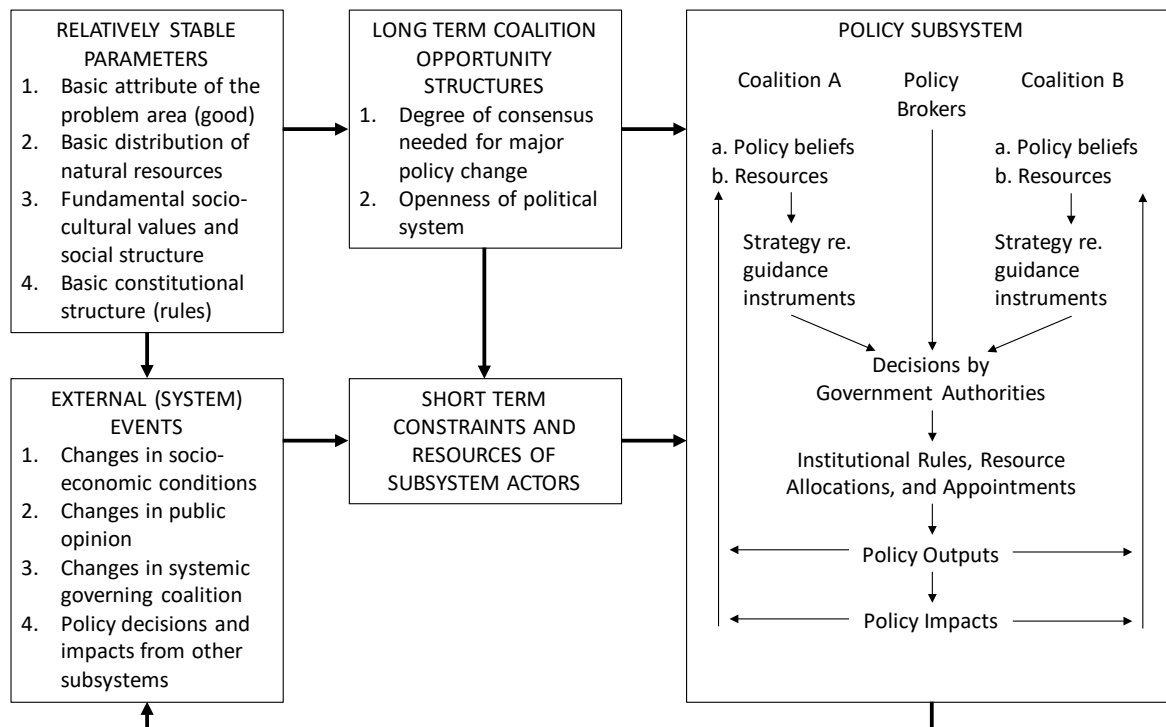


Figure 1. Diagram of the Advocacy Coalition Framework (reproduced from Sabatier and Weible, 2007)

Methodology

In taking the example of the NDIR, we have adopted a case study research design. The principal rationale for our single-case study is what Yin (2009) refers to as the “revelatory” rationale, whereby we have an opportunity to study a phenomenon previously inaccessible to social science researchers.

Such public inquiries as the NDIR have the advantage of making the process of policy review and decision-making more transparent than is usually the case with government-led policy processes, many of which are hidden “behind closed doors”. Analysis of policy debates is therefore typically methodologically difficult, since negotiations generally occur outside the public realm (Penning-Rowsell et al., 2014) and detailed information is scanty or non-existent. Inquiries generate much documentation from all sides, and generally conclude with explicit recommendations, and therefore provide a useful window into key debates and their outcomes. In researching this public inquiry we can therefore examine the inputs of its many participants and the recommendations and policy changes that resulted.

The focus of the inquiry on the policy subsystem of interest (namely that pertaining to Australian flood insurance policy), as well as its national scale (which enables the analysis of issues at a range of spatial scales from local to national), led us to the NDIR. It is worth noting that the NDIR was not the only public inquiry tackling flood insurance policy issues at this time. Indeed, other inquiries were occurring at State levels (e.g. the Queensland Flood Commission of Inquiry; the State Government of Victoria’s Review of the 2010-11 Flood Warnings and Response), highlighting that

policy discussions were occurring at different spatial scales. However, with its submissions from numerous sub-national organisations and governments, the NDIR is a useful case for analysing the overall policy subsystem at a national scale. This is important since, as we have stressed, flood risk management policy decisions occur at all level of governments, from national to local, and this inquiry uniquely captures these different scales and their interactions.

Case study research is characterised by methodological pluralism, with researchers often using a combination of methods (Thomas, 2011). We used a qualitative multimethod research approach to enable a variety of different questions to be explored (thereby achieving a fuller understanding), and enable more confidence in the validity of our research findings (Hunter and Brewer, 2015). More specifically, our study involved content analysis of the NDIR report and c. 100 publicly available submissions to the inquiry, as well as dozens of related industry and government statements and media reports related to the inquiry.

In addition, we conducted seven semi-structured interviews with those who were directly involved with the inquiry. Potential interviewees were selected by identifying the authors of key NDIR documents, and subsequently a snowball sampling approach was utilized to identify additional interviewees so as to represent a range of perspectives on the NDIR. Inevitably not all individuals responded to our interview request but we judge that the final interviewees covered the key actors and coalitions involved, and included a government adviser (Interviewee 1), two NDIR panel members (Interviewees 2 and 3), three employees of different insurance companies who were involved in writing submissions to the inquiry (Interviewees 4-6), and a consumer advocate (Interviewee 7). Questions posed related to the role of the NDIR, and the scalar and institutional positions and views of the actors active in the inquiry. The interviews were transcribed and thematically analysed. Insights gained are used to support the documentary evidence, and add depth to the analysis, but the interviews should not be regarded as the main source of data in this research.

Evidence from both the many documents and the interviews was used to analyse: (i) the intended role of the NDIR, as revealed by key characteristics of its establishment; (ii) the advocacy coalitions in the NDIR in relation to their beliefs, geographies, resources and influence; and (iii) the ultimate role of the NDIR in Australian flood insurance policy evolution, and the impact of the different advocacy coalitions on any difference between the intended and ultimate functions of that inquiry.

Results and Discussion

The intended role of the NDIR

The Hon. Bill Shorten MP announced the NDIR in March 2011, following floods in eastern Australia in late 2010 and early 2011. The principal theme of the review was to be “the availability and affordability of insurance offered by the private insurance market, with particular reference to flood” (NDIR, 2011: 1). In this section of the paper we consider those of Hunter and Boswell’s (2015) indicators of the role of public inquiries that relate to the inquiry establishment, in order to elucidate the government’s motivations for establishing the NDIR.

Panel composition

Two of the three panel members were former insurance company executives. John Trowbridge, a high-profile actuary and “industry heavyweight” (Interviewee 2), was appointed the chair of the Review, with John Berrill and Jim Minto as panel members. Prior to his appointment, Trowbridge was an executive member of the Australian Prudential Regulation Authority (APRA; the national prudential regulator of banks, insurance companies and superannuation funds). His role at APRA followed an extensive career in the insurance industry, including executive positions with Suncorp and QBE Insurance, two large Australian insurers. Minto also had extensive industry experience, including a period as Managing Director of TOWER Australia, the third largest life insurance company in Australia (NDIR, 2011).

The decision to appoint two former insurance industry executives is reflective of the role of insurers in flood insurance policymaking in Australia. Berrill is a high-profile insurance and superannuation lawyer, and was appointed because of his legal knowledge (Interviewee 1) and his involvement in consumer affairs, which helped to create a more balanced panel (Interviewee 2) and contributed to consumer trust in the NDIR process (Interviewee 7).

The extensive knowledge of each of the appointed panel members suggests that the inquiry was valued for its problem-solving function (Hunter and Boswell, 2015). However, it also enabled the NDIR to “turn ... into a technical inquiry” (Interviewee 2). This gave power to the dominant coalition of insurers, who, as described below, had access to technical resources. According to Interviewee 2, “most of the big submissions, the heavy-hitting submissions, came from (the insurance) industry”.

Resources and timeframe

The Review was well resourced (Interviewee 2), and the panel received support from the Australian Government Actuary and a working group from the Commonwealth Treasury. These resources supported the inquiry’s technical nature. The panel was required to provide its recommendations by 30 September 2011.

The 7-month timeframe enabled the recommendations of the Review to be available for consideration in the implementation of the National Strategy for Disaster Resilience. This suggests that the government intended for the inquiry to inform policy changes, and thus it is unlikely the Review was merely established to avoid decision-making.

However, one panel member expressed regrets that the NDIR panel “gave greater priority to finishing on time than to debating with Treasury and the Minister what [the NDIR panel members] were going to recommend” (Interviewee 3), citing this lack of on-going dialogue as a factor that contributed to the lack of government acceptance of NDIR recommendations.

Terms of reference

The terms of reference outlined three guiding principles. The first (“Government intervention in private insurance markets is justifiable only where, and to the extent that there is clear failure by those private markets to offer appropriate cover at affordable premiums”; NDIR, 2011: ii) reflects the non-interventionist beliefs of the coalition of insurers (see “Advocacy coalitions involved in the NDIR”, below).

The second (“The appropriate mitigation of risk by individuals and governments at all levels is a key objective”; NDIR, 2011: ii) and third principles (“Individuals and businesses should be encouraged to insure themselves where practicable”; NDIR, 2011: ii) also steer the Review towards recommendations that are acceptable to the insurance industry. The insurance industry had expressed its desire for more extensive risk mitigation (ICA, 2011a), and the encouragement of insurance uptake in this way would support the growth of the Australian insurance industry.

In addition to the issue of availability and affordability of insurance, the scope, as outlined in the terms of reference, covers issues related to consumers’ awareness and understanding of insurance products. These issues were also concerns of the ICA (ICA 2011a). Although the scope required the Review to consider “whether there is a role for the Commonwealth Government in providing disaster insurance or reinsurance” (NDIR, 2011: ii), this is tempered by the requirement that the “impact of any Commonwealth Government intervention in disaster insurance on the private insurance market” (NDIR, 2011: ii) be considered.

Thus the terms of reference suggest that in the initial inquiry establishment phase, the government attempted to guide the Review to produce recommendations that were aligned with the beliefs of the coalition of insurers. This degree of control in the terms of reference is indicative of a substantiating function of the public inquiry (Hunter and Boswell, 2015). However, during the inquiry itself, “it can’t be said that [the government] leaned on [the panel] to come up with the right outcome. And if they did, it didn’t work” (Interviewee 2). This independence suggests a problem-solving or legitimising function (Hunter and Boswell, 2015).

Arguably the mention of a possible Commonwealth Government role in disaster insurance provides some soft pressure on the industry to proactively address consumer availability and affordability concerns in order to retain their social license as insurance providers. The importance of meeting not only regulatory obligations but also societal obligations has since emerged as a key theme in Hayne’s Financial Services Royal Commission, established in December 2017 (Chanticleer, 2018).

Whilst the terms of reference enabled the inquiry to discuss some key aspects of flood insurance policy, several inquiry submissions argue that the scope should have been wider, to enable the role of insurance within the wider portfolio of risk management policy options in Australia to be considered, particularly in terms of mitigation (e.g. Allianz, 2011; Gordon, 2011; Sergeant, 2011; IAG, 2011; Mahon and Mahon, 2011; Lloyd’s, 2011; Suncorp, 2011; ICA, 2011b). Indeed the submission from the Tasmanian Government (2011) argued that the focus on extending the availability and affordability of flood insurance “should not be the primary objective of the Review” but it should rather consider other flood risk management tools available to government, highlighting tensions between governments operating at different scales in the definition of the terms of reference of the NDIR.

The power relationships of the spatial politics are highlighted by the decision of the federal government to exercise their power, whilst setting the terms of reference, by calling for the examination of the impact (or lack thereof) of State and local government flood mitigation measures on the availability and affordability of insurance. However, this action may also be regarded as an attempt to examine the issue of flood insurance policy in a broader context, to facilitate problem-solving.

Based on the above analysis of indicators of the role of public inquiries, on balance the government’s intention in establishing the NDIR was for it to have a problem-solving role. This conclusion is supported by the decision to appoint experienced panellists, provide technical resources, and ensure that the report was

delivered in a timely manner. Evidence from our interviews also supports this finding, with Interviewees 1-5 and 7 stating that the role of the inquiry was, at least in part, intended to be problem-solving (i.e. providing expert policy advice). However, the role that was intended for a public inquiry at its establishment may differ from its ultimate function. In order to understand this we next consider the influence of key advocacy coalitions involved in the NDIR, the final NDIR recommendations, and the subsequent take-up of these recommendations.

Advocacy coalitions involved in the NDIR

Our analysis reveals two advocacy coalitions were engaged in the NDIR: a coalition of insurers, and a consumer coalition. These coalitions differ substantially in their core beliefs, resources and degree of influence in the NDIR, particularly in the post-inquiry phase of recommendation implementation.

The coalition of insurers consisted of the Insurance Council of Australia (ICA), which is the representative body of the Australian general insurance industry, and insurers, including Suncorp, Insurance Australia Group (IAG), Allianz, Lloyd's, and Wesfarmers Insurance, most of which operate nationwide rather than only at regional spatial scales. Overall, their beliefs were relatively uniform across the advocacy coalition (Interviewees 4 and 6), with members sharing a deep core belief that government intervention into private insurance markets should be minimised (Interviewee 2; ICA, 2011b; Lloyd's, 2011; Suncorp, 2011). This deep core belief is linked to their policy beliefs expressed in their submissions. Actors opposed proposed interventions such as introduction of automatic flood cover, compulsory insurance, and, with the exception of Allianz and CHU, a flood insurance pool (Interviewees 1 and 5). The apparent cohesiveness of the coalition is enhanced by the ICA, which develops and presents a consensus industry position (Interviewee 5).

The consumer coalition was less organised than the insurer coalition, and consisted primarily of consumer representative organisations, whose beliefs were not completely aligned with those of all the individual consumers who made submissions to the NDIR. Key organisations include the Consumer Action Law Centre, the Brotherhood of St Lawrence and state-based legal aid centres. According to Interviewee 7, a member of a consumer representative organisation, there is coordination between the small group of consumer organisations working in insurance in Australia. Although there is no single body responsible for presenting a consensus position (unlike the insurer coalition, which is represented by the ICA), the consumer advocacy organisations "work together and talk to each other in preparing submissions and presenting views" (Interviewee 7). Such coordination is arguably important to enable this group of mostly sub-national actors to influence policy discussions occurring at a national spatial scale.

Alongside this coordination, the consumer representative organisations generally share the same beliefs (Interviewee 7), and thus constitute an advocacy coalition. In the case of the NDIR, the similarity of beliefs of the members of the consumer coalition is not fully evident from the content of the submissions themselves, with most consumer representative organisation submissions focused on presenting the experiences of consumers rather than commenting on particular policy options. However, where they do comment on policy options, there is generally agreement between the positions presented. For example, both the Brotherhood of St Lawrence (2011) and the Consumer Action Law Centre (2011) present support for the development of alternative payment options. In addition to making submissions

to the inquiry, consumer organisations also engaged in the NDIR process during consultations for a consumer perspective paper authored by Chris Connolly commissioned by the NDIR (Connolly, 2011).

Not all organisations consulted for that perspective paper made separate submissions, though those that did and refer to the paper are supportive of it (e.g. Consumer Action Law Centre, 2011), suggesting a degree of shared beliefs. Cross-references to the work of other consumer organisations in submissions provide additional evidence of shared beliefs. For example, the Consumer Action Law Centre submission states, “We strongly support the recommendations of the recent report from the Brotherhood of St Laurence” (2011). However, despite the shared beliefs of consumer representative organisations, there is disagreement in the beliefs of consumers more widely, as highlighted by the lack of alignment of individual consumer submissions. Consumer submissions represented divided opinions on policy questions such as whether or not all home insurance policies should include flood cover, and whether or not flood insurance discounts should be provided to eligible homes. According to a panel member, the views of consumers were “coloured heavily by political persuasion” (Interviewee 3). Most individual consumer submissions were brief, anecdotal, and did not engage with the discussion about policy options.

The insurance industry advocacy coalition had numerous resources that enhanced its capacity to influence the policy subsystem. Based on return on equity, the Australian non-life insurance industry is the most profitable in the world (Bank for International Settlements, 2016). Large insurers have well-resourced public policy and government affairs departments (Interviewees 4-6). These departments had a major role in the NDIR, as revealed by Interviewee 3, who worked in the public policy department of a major insurer: “My job was to make sure that it [the insurance company] got what it wanted [in the NDIR]. I think that occurred.” The ICA also had resources for government lobbying (ICA, 2016). These resources dedicated to public policy and government relations support another significant resource of the coalition, namely a close relationship with people with legal authority to make policy decisions (Interviewees 4 and 6). According to Interviewee 6, “Insurers are regarded by governments as responsible and trusted advisers.” The advocacy coalition also had members who held significant positions on the NDIR panel, as discussed above. The coalition was also well resourced in terms of information. The ICA has access to technical researchers (ICA, 2016), and Allianz, IAG, Lloyd’s and Suncorp had sufficient resources to deliver lengthy technical submissions to the NDIR (Allianz, 2011; IAG, 2011; Lloyd’s, 2011; Suncorp, 2011). Furthermore, the multi-state nature of the operations of most insurers lends itself to a good understanding of policy issues at a nationwide scale.

In contrast, consumers did not engage as deeply with the policy questions discussed in the NDIR. More fundamentally, lack of awareness about the existence of the NDIR was mentioned in several consumer submissions. For example, the submission from Frank Frazer commented, “It was quite by accident that I became aware of this review. [...] A check of your website would indicate that the Minister has made only three press releases on the matter in the last four months. Obviously, not enough, for such an important issue” (2011).

This lack of awareness of the inquiry may have negatively impacted the ability of the consumer coalition to recruit mobilisable supporters and to gain wider community traction. In general, consumer submissions were substantially shorter than the industry submissions, and many recount personal experiences, or communicate their belief that there is a lack of equity in the current flood insurance

system, without necessarily engaging in the discussion of potential policy solutions. Indeed, some submissions accompany an account of a personal experience with a plea, such as “please find a solution” (Cracknell, 2011).

According to one of the NDIR panel members, there was a lack of consumer understanding about potential solutions, and discussions with consumers did not focus significantly on solutions (Interviewee 3). The lack of engagement of consumers with the discussion of potential policy solutions suggests that the technical nature of the inquiry may have precluded engagement from actors without technical knowledge. This may support the notion that inquiries can signify “a system of intellectual collusion” (Burton and Carlon, 1979: 8). Individual consumer submissions that do make recommendations, such as for a National Disaster Relief Fund Lotto (Smith, 2011), a 1% levy on insurance companies (McCabe, 2011), or a \$100 rebate for people in high-risk areas (Jones, 2011), lack quantitative analysis to support their suggestions. According to Interviewee 7, the lack of power of consumers compared with insurers impacted the overall NDIR process, “particularly in the government take-up phase”.

As discussed in the remainder of this paper, the imbalance in the power of the insurer and consumer advocacy coalitions did not substantially affect the balance of the NDIR recommendations but affected the phase of recommendation implementation. In doing so, it impeded the ability of the NDIR to fulfil its intended problem-solving role.

The NDIR’s recommendations

Despite the more in-depth level of engagement in the NDIR from the well-resourced advocacy coalition of insurers compared with that of consumers, the 47 recommendations of the inquiry were not more in line with the position of the insurer coalition than they were with the consumer coalition position. Rather, the recommendations were consistently aligned with the position presented by the consumer advocacy coalition, where a view was evident in their submissions or in the commissioned consumer perspective paper (e.g. on topics such as the availability of flood cover; the use of replacement value in flood insurance; the provision of premium discounts; and the development of alternative payment options).

However, this does not mean that they were in line with the broader consumer views. For example, on the topic of whether or not home insurance should be made compulsory, the NDIR recommendation was in line with the position of insurers and the Brotherhood of St Lawrence, despite seven individual consumer submissions presenting an opposing view. According to Hindmarsh and Parkinson (2013) “the major form of public participation is submissions placed in a ‘black box’ for consideration or that invite their strategic selection for decisional influence.” The lack of a full alignment of NDIR recommendations with the positions expressed in the submissions of the dominant insurer advocacy coalition suggests that the formulation of balanced recommendations was not fully obstructed by differences in the power of insurers and consumers. However, as discussed in the following section, there was a shift in this balance during the phase of NDIR recommendation take-up.

The NDIR’s final recommendations are permeated with spatial politics, related to different governance scales. For example, it is recommended that State and Territory governments participate in funding any shortfalls in a potential reinsurance pool. In addition, in relation to a recommendation for the provision of flood risk information, the NDIR report highlights that some local governments place

restrictions on access to information, whilst quality of mapping varies widely by location. Spatial differences in the availability and quality of flood maps were highlighted in the ICA submission (2011b), suggesting a degree of engagement by the coalition of insurers in this topic. The NDIR report also comments that state-level taxes on insurance are “inefficient”, but does not provide a firm recommendation on their removal, recognising the necessity of considering these taxes in the context of broader state level fiscal policy. The lack of engagement on this latter topic could be regarded as a weakness of the NDIR in its ability to carry out a problem-solving function due to limitations imposed by the (national) spatial scale at which it was operating. Yet there is no evidence that this was significantly influenced by the advocacy coalitions.

Government response to NDIR recommendations and the ultimate role of the NDIR

We consider here which of Hunter and Boswell’s (2015) indicators of the role of public inquiries that relate to the post-inquiry period, including dissemination and take-up of recommendations. In doing so, we demonstrate that the ultimate role of the NDIR deviated from its intended problem-solving role, due in part to the influence of the insurer advocacy coalition during this period.

Dissemination

The final NDIR report was publicly released, along with the government’s response, in November 2011. The high-profile launch of the report by Shorten (Interviewee 2) is suggestive of a substantiating or legitimising inquiry (Hunter and Boswell, 2015). However, the media “didn’t really run with it” (Interviewee 2) because of the technical nature of the final report. According to Interviewee 3, by the time the report was released, many of the insurance claims associated with the 2010/2011 floods had been resolved, and public interest in the issue of flood insurance had diminished.

Recommendation take-up

Following the formulation of public inquiry recommendations, in Australia the role of recommendation implementation usually lies with the government (Prasser, 1985). This too was the case for the NDIR. In the case of policy issues about which there was limited discussion in consumer submissions (e.g. reinsurance facility and General Insurance Code of Practice), the government response was aligned with the position of the insurers, or the government referred the issue to the insurers for advice. In the case of policy issues about which there was limited discussion in insurer submissions (i.e. payment options), whilst the government position was initially aligned with that of consumers, after industry consultation that found obstacles to fortnightly payments through the Centrepay system (Treasury, 2011), the resulting lack of policy change was not aligned with the consumer position.

For some policy issues, both consumer and insurer positions were largely aligned (e.g. flood risk information; premium discounts; and consumer awareness). Whilst on the topics of flood risk information and consumer awareness, the government in principle accepted the NDIR recommendations, which were aligned with both consumer and insurer perspectives, on the topic of premium discounts, the government rejected the NDIR recommendations, following a Productivity Commission. On policy issues for which there was a lack of alignment between insurer

and consumer perspectives (i.e. inclusion of flood cover in all home insurance policies; replacement value cover; and consumer choice over cover options), whereas the NDIR recommendations more aligned with the consumer advocacy coalition position, the government response was consistently aligned with the insurer advocacy coalition position. The alignment of the government's response with the insurer position is discussed below, focussing on the four pivotal NDIR recommendations on which the 47 recommendations expand.

Pivotal Recommendation 1 (Architecture) advocates the creation of a national flood risk management coordination agency (NDIR, 2011), highlighting an acceptance that the key scale of relevance for such a policy was national. In its response to this recommendation, the government noted its decision to establish a Flood Risk Information Portal, to coordinate the provision of flood risk information (Treasury, 2011). The limited availability of flood maps had historically been one of the main factors limiting the ability of insurers to underwrite flood risk (Mason, 2011), and the ICA had been working on making flood risk data more available to insurers through the creation of the National Flood Information Database in 2008 (Mason, 2011). The ICA had been advocating the provision of more adequate flood data (ICA, 2011a).

The availability of this data, however, has implications for the spatial politics of flood insurance policy discussions, with the ICA recently using this data to create a list of Australia's most flood-prone federal electorates, which was released with an accompanying statement highlighting spatial disparities in data availability across political borders (ICA, 2019). Power struggles amongst governments operating at different spatial scales were evident in NDIR submissions such as that from the Local Government Association of Queensland, which argued that local government should not be obliged to "alter expenditure priorities and potentially increase liability risk exposures in order to ensure information is available for the commercial business purposes of insurers" (2011). Such statements also highlight the potentially less amicable nature of the relationship between insurers and local governments compared with that of insurers and the federal government.

Pivotal Recommendation 2 (Availability) recommends that all home insurance policies include flood cover. This suggestion was not supported by the coalition of insurers, due to fears that insurers would be forced to take on risk beyond their appetite (IAG 2011). The recommendation was ultimately rejected by government (Australian Government, 2013). However, there has nonetheless been an increase since in the proportion of standard home and contents policies that include flood cover, with insurers taking the initiative themselves to offer flood cover (Interviewee 3). The drivers for this positive development warrant further research.

Pivotal Recommendations 3 (Affordability) and 4 (Funding) recommended the establishment of a flood risk reinsurance facility to deliver flood insurance policy discounts (assessed based on an affordability threshold). The recommended facility was designed such that insurers can cede risks to a pool, and the government guarantees payment of flood claims from the pool. Effectively, flood insurance discounts would be funded by taxpayers, a proposition supported by the coalition of insurers in their submissions as a means of addressing the affordability issue.

However, despite their support for government discounts, most insurers opposed the introduction of a government flood reinsurance pool, with justifications reflecting the coalition's anti-interventionist beliefs. Initially, the government responded that it would consider these recommendations following consultations with stakeholders. The Productivity Commission Inquiry into Regulatory and Policy Barriers to Effective Climate Change Adaptation, which was established by Shorten in

September 2011, recommended “governments should not subsidise household or business property insurance, whether directly or by underwriting risks” (Productivity Commission, 2012: 31). The Productivity Commission argued that “poorly designed regulatory intervention in insurance markets can create barriers to effective adaptation to climate change” (Productivity Commission, 2012: 315), with subsidisation potentially distorting incentives for efficient risk management. Key players from the insurance industry were actively involved in the Productivity Commission, with IAG and Suncorp opposing subsidisation on the grounds of the costs to the government.

Ultimately the stance of the Productivity Commission was consistent with the insurance industry coalition’s anti-interventionist beliefs, as highlighted by its conclusion that “Without clear evidence of market failures or the distribution of outcomes across households, it would be difficult to design or justify intervention in insurance markets” (Productivity Commission, 2012: 320). Its position “basically wiped [the NDIR] recommendations” (Interviewee 2), and was accepted by the government (Australian Government, 2013), whose decision was supported by the ICA (ICA 2013). However, **panel chair** Trowbridge responded that the government’s decision means, “the primary affordability question for flood insurance remains unresolved” (insuranceNEWS, 2013), a position reinforced by Interviewees 1, 2, 4, 5 and 7. Although the government may have welcomed an outcome that did not have a budgetary impact, according to Interviewee 2 the coalition of insurers were influential in the government’s decision not to establish the reinsurance pool: “At the end of the day the key players just weren’t prepared to support it and I think the government at the end of the day said, ‘Well, unless they’re prepared to come along with it, we’re not going to impose it on them.’” However, whilst the coalition of insurers was arguably very influential in the decision not to establish the reinsurance pool, it should be recognised that other political discussions were likely occurring simultaneously. Several recommendations relate to the role of governments at different spatial scales in funding any shortfall in the pool, with Recommendation 23 suggesting “that the Commonwealth seek reimbursement of some portion of the shortfall from the State or Territory government in whose jurisdiction the flood occurred.” Thus spatial politics may have also been influential in the government’s decision; however, this did not surface in our interviews.

The Review also made recommendations on consumer matters (NDIR, 2011). Some of these recommendations substantiate policies that the government had already begun consultation on, including the introduction of a standard definition of flood and key facts sheet for use in insurance policies, and amendments to the General Insurance Code of Practice (Australian Government, 2011). The ICA had been advocating a standard definition of flood (ICA, 2011a). The establishment of such a definition had been previously attempted by the ICA, including through: advisory wordlines proposed in 1999, which were not generally adopted due to lack of authorisation under the Trade Practices Act (1974); and a definition proposed in 2008, which was rejected by the Australian Competition and Consumer Council (Mason, 2011). The Insurance Contracts Amendment Act 2012 (Commonwealth) and Insurance Contracts Amendment Regulation 2012 (Commonwealth) were passed in early 2012, introducing a standard definition of flood and a key facts sheet. These measures have the potential to resolve consumer misunderstanding (Bell, 2012; Interviewee 7), although, as argued by Interviewee 3, despite the government’s emphasis on the standard definition, it is only a small part of the issue of flood insurance policy in Australia.

According to Hunter and Boswell (2015), the recommendations of problem-solving inquiries are usually implemented. Yet in the case of the NDIR, the implementation of the recommendations was largely impeded by the influence of the coalition of insurers, with the government reluctant to implement recommendations that industry opposed. Thus the intended problem-solving role of the NDIR (as revealed by the panel membership, resources, timeframe and terms of reference) was ultimately interrupted during the post-inquiry period. As summarised by Interviewee 3, “At the beginning, there was a genuine desire to solve the problem [...] But it gets political in the end. [...] There was lobbying by insurers to prevent intervention.” Yet the extent to which the lobbying process was driven purely by the insurer coalition is perhaps debateable, with its success likely hinging on a predisposition of the government to seek out, and ultimately agree to, the views of industry members given the insurers’ “trusted advisor” status (Interviewee 6).

Stark (2018) also discusses the role of coalitions in the phase of implementation of inquiry recommendations, with a focus on the case of the Canterbury Earthquakes Royal Commission. He argues that a coalition that lobbied on behalf of the Royal Commission’s recommendations was key to the eventual implementation of key policy recommendations regarding unreinforced masonry buildings. Yet Stark argues that the coalition that formed was not united by core beliefs, but rather beliefs regarding a particular policy, and it was a temporary coalition, dissipating after the policy had been implemented. In the case of the NDIR, however, the advocacy coalitions that were influential during and right through the phase of implementation of recommendations were founded on strong common core beliefs that endure to this day.

Although public inquiries have been regarded as an avenue for public participation in policy processes (Richardson and Razzaque, 2006), this case study demonstrates that the impact of this public participation may ultimately be limited by the restricted participation of the public during the phase of implementation of public inquiry recommendations, as highlighted by the lack of involvement of the consumer coalition during this phase. Our findings about the phase of recommendation implementation also challenges the notion of public inquiries as a vehicle for accountability and transparency in government policy-making processes (Sales, 2004) Whilst we highlight that the NDIR itself provides a useful window into policy debates, there is less transparency during the phase of recommendation implementation; a phase that we show is significant for shaping the ultimate impact of the public inquiry on policy and on the lives of those at risk of flooding but which is more difficult to research.

Conclusions

On the basis of the ample available evidence, we conclude that the primary role of the NDIR was intended to be problem-solving, thus really intending to change the landscape for flood risk management in Australia and assist those people and their places at risk. If all the recommendations of the inquiry had been implemented, there would have been substantial impacts on the spatial distribution of costs of risk mitigation and risk sharing across geographies with different flood exposures.

However, this function was obstructed during the government response phase due to its decisions not to take-up many of the key NDIR recommendations. Whilst the well-resourced insurance industry advocacy coalition came to the table and engaged deeply with the NDIR policy discussions, enabling the NDIR to deliver well-

informed policy recommendations, its influence following the inquiry contributed to this lack of uptake of some of the key NDIR recommendations. Thus the intended problem-solving role of the NDIR was ultimately interrupted and some of its proposed policy changes were altered.

In response to Stark's (2015) hypothesis concerning the influence of advocacy coalitions in public inquiries, we find that in the NDIR the influence of the coalition of insurers was important during the government take-up phase of the inquiry more so than during the recommendation formulation phase. Accordingly our analysis demonstrates the importance of considering this recommendation implementation phase more carefully when examining the influence of advocacy coalitions in the public inquiry process and elsewhere (for such implementation issues see also Solik and Penning-Rowsell, 2017). Our analysis suggests that in order to influence policy, all advocacy coalitions must continue to engage in the policy process after recommendation formulation, during the phase of recommendation take-up, and have sufficient power resources to influence the outcomes of that crucial phase.

The NDIR led to several important policy changes, including improvements in flood data accessibility and consumer understanding about flood cover; how these changes came about we can now see more clearly, thanks to the transparency of the public inquiry processes and the assistance of our interviewees. Other countries exploring flood insurance potentials may learn from this. Despite the disruption of the problem-solving function of the NDIR inquiry, industry-driven changes following the inquiry enabled an increase in the availability of flood insurance in Australia (this process needing further research). Yet the key issue of flood insurance affordability remains unresolved, to the detriment of **support for** households in flood-prone areas, with the spatial politics of the debate still simmering away. If this issue remains unresolved, the viability of flood insurance as an option in the portfolio of flood risk management strategies in Australia may diminish. But the NDIR is not the final chapter in Australian flood insurance policy discussions. Rather, given that many issues remain unresolved, the policy debate is likely to be catalysed afresh when major floods occur once again.

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